

1 John D. Shugrue, Esq. (admitted *pro hac vice*)
2 Kevin B. Dreher, Esq. (admitted *pro hac vice*)
3 REED SMITH LLP
4 10 South Wacker Drive, Suite 4000
5 Chicago, Illinois 60606-7507
6 Tel: (312) 207-1000
7 Fax: (312) 207-6400
8 Email: KDreher@ReedSmith.com;
9 JShugrue@ReedSmith.com

10 -and-

11 Andrew F. Dixon, Esq.
12 Nevada State Bar No. 8422
13 BOWLER DIXON & TWITCHELL LLP
14 3137 East Warm Springs Road, Ste. 100
15 Las Vegas, Nevada 89120
16 Phone: (702) 436-4333
17 Fax: (702) 260-8983
18 Email: andrew@nevadalegalcounsel.com

19 *Attorneys for Plaintiffs, INTERNATIONAL
20 GAME TECHNOLOGY and IGT-UK GROUP
21 LIMITED*

22 Amy M. Samberg
23 Nevada Bar No. 10212
24 FORAN GLENNON PALANDECH
25 PONZI & RUDLOFF PC
26 One Renaissance Tower
27 Two North Central Avenue, 18th Floor
28 Phoenix, AZ 85004
Telephone: 602-777-6230
Facsimile: 312-863-5099
Email: asamberg@fgppr.com

1 Justin S. Hepworth
2 Nevada Bar No. 10080
3 Casey G. Perkins
4 Nevada Bar No. 12063
5 FORAN GLENNON PALANDECH
6 PONZI & RUDLOFF PC
7 2200 Paseo Verde Parkway, Suite 280
8 Henderson, NV 89052
9 Telephone: 702-827-1510
10 Facsimile: 312-863-5099
11 E-Mail: cperkins@fgppr.com

12 *Attorneys for Defendant ILLINOIS
13 NATIONAL INSURANCE CO.*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16
17 INTERNATIONAL GAME TECHNOLOGY
18 and IGT-UK GROUP LIMITED

19 Plaintiffs,

20 v.

21 ILLINOIS NATIONAL INSURANCE CO.

22 Defendant.

23 Civil No. 2:16-cv-02792

24 **STIPULATION AND ORDER TO
25 EXTEND DEADLINE TO FILE
26 DISPOSITIVE MOTIONS**

27 **(Seventh Request)**

28 Plaintiffs International Game Technology and IGT-UK Group Limited (collectively
“Plaintiffs”) and Defendant Illinois National Insurance Co. (“INIC”), by and through their
respective counsel of record, hereby stipulate and request for good cause showing that the
Court extend the deadline for the parties to file dispositive motions in this action by
approximately thirty (30) days from Monday, September 10, 2018 to October 10, 2018. The

1 parties also jointly request that the Court continue to defer ruling on Plaintiffs' June 12, 2018
2 Motion to Compel Defendant to Produce Documents (dkt. 79) pending the parties' settlement
3 negotiations. If the parties are unable to reach a settlement, they will jointly advise the Court
4 so that the motion may then be considered and ruled upon.

5 This is the second request by the parties since the close of discovery to specifically
6 extend the deadline to file dispositive motions and the seventh overall request by any party to
7 amend any case management deadlines in this matter.

8 As required by Local Rule 26-4, the parties state as follows:

9 **I. DISCOVERY COMPLETED TO DATE**

- 10 • The parties conducted the Fed. R. Civ. P. 26(f) conference.
- 11 • The parties have exchanged initial and supplementary disclosures of documents
12 and lists of witnesses, including the exchange of tens of thousands of pages of
13 documents.
- 14 • Plaintiffs propounded multiple requests for production of documents, to which
15 INIC responded.
- 16 • INIC propounded requests for production of documents and interrogatories on
17 Plaintiffs, to which Plaintiffs have responded.
- 18 • Plaintiffs propounded multiple sets of interrogatories and requests for admission
19 on INIC to which INIC has responded.
- 20 • INIC propounded requests for admission and additional requests for production
21 of documents to which Plaintiffs responded.
- 22 • Plaintiffs have taken the depositions of INIC pursuant to Rule 30(b)(6) as well
23 as four current and former claim handlers, a claim supervisor, a former
24 underwriter, and the Global Head of Financial Lines – Specialty Claims.
- 25 • INIC has taken the deposition of Plaintiffs pursuant to Rule 30(b)(6) as well as
26 two of Plaintiffs' employees, Senior Legal Counsel for IGT-UK and Plaintiffs'
27 former risk manager.

28

- 1 • Subpoenas have been issued to multiple nonparties requesting the production of
- 2 documents.
- 3 • The parties have disclosed expert witnesses and rebuttal experts.
- 4 • The parties have taken the depositions of multiple expert witnesses and
- 5 Defendant's rebuttal expert.
- 6 • The parties have engaged in multiple meet and confer teleconferences and
- 7 correspondence regarding the above discovery.

8 **II. DISCOVERY TO BE COMPLETED**

- 9 • Plaintiffs and Defendants are awaiting resolution from the United States District
- 10 Court for the Southern District of New York on Plaintiffs' pending motion to
- 11 enforce their subpoenas on Luigi Spadafora and Winget, Spadafora &
- 12 Schwartzberg, LLP and Defendants cross-motion to quash the same. Consistent
- 13 with the requests herein, the parties will also submit a request that the Southern
- 14 District of New York defer further briefing or decision on that motion.
- 15 • Plaintiffs and Defendants are completing briefing on Plaintiffs' Motion to
- 16 Compel pending before this Court. The parties request the Court continue to
- 17 defer ruling on that motion for the reasons stated herein.

18 **III. LEGAL STANDARD.**

19 The Court has broad discretion in supervising the pretrial phase of litigation, including

20 the timing of discovery. *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002).

21 Local Rule 26-4 provides that a request to extend discovery, "if made within 21 days of the

22 subject deadline," requires a showing of "good cause." Good cause to extend a case

23 management deadline exists "if it cannot reasonably be met despite the diligence of the party

24 seeking the extension." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir.

25 1992).

26 **IV. REASONS WHY DISPOSITIVE MOTION FILINGS CANNOT BE**

27 **COMPLETED WITHIN THE CURRENT SCHEDULE**

28 Plaintiffs and Defendant seek a thirty (30) day extension of the deadline for filing

1 dispositive motions primarily to allow for additional settlement negotiations to proceed. Over
2 the past several months, the parties have engaged in good faith settlement negotiations
3 concerning this action. Since the Court's July 5, 2018 Order entering the parties' Stipulation
4 And Order To Extend Deadline To File Dispositive Motions (dkt. 91), the parties' settlement
5 negotiations have continued to progress. Another extension of the deadline to file dispositive
6 motions will provide the parties with the necessary time to explore further settlement
7 negotiations. Consequently, with good cause showing, the parties request that the Court extend
8 the deadline to file dispositive motions by thirty (30) days, as outlined below.

9 As noted above, the parties also jointly request that the Court continue to defer ruling
10 on Plaintiffs' June 12, 2018 Motion to Compel Defendant to Produce Documents (dkt. 79)
11 pending the parties' settlement negotiations. If the parties are unable to reach a settlement,
12 they will jointly advise the Court so that the motion may then be considered and ruled upon.

13 The parties agree that this stipulation and request is not made for the purpose of undue
14 delay, but to allow for additional time to explore further settlement negotiations. The parties
15 further agree that neither party will be prejudiced by an extension.

16 **V. PROPOSED SCHEDULE**

17 WHEREFORE, the parties respectfully request that this Court extend the case
18 management deadlines in this matter as follows:

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 ///

| 2 EVENT | 3 CURRENT DEADLINE | 4 REVISED DEADLINE |
|---|--|---|
| 5 File Dispositive Motions | 6 September 10, 2018 | 7 October 10, 2018 |
| 8 Joint Proposed Pretrial Order | 9 October 8, 2018, or 30 days 10 after dispositive motions are 11 resolved | 12 November 7, 2018, or 30 13 days after dispositive 14 motions are resolved |

DATED this 3rd day of August, 2018.

7 By: /s/ Kevin B. Dreher

9 John D. Shugrue, Esq. (admitted *pro hac vice*)
10 Kevin B. Dreher, Esq. (admitted *pro hac vice*)
11 REED SMITH LLP
12 10 South Wacker Drive, Suite 4000
13 Chicago, Illinois 60606-7507
14 Tel: (312) 207-1000
15 Fax: (312) 207-6400
16 Email: KDreher@ReedSmith.com;
17 JShugrue@ReedSmith.com

18 -and-

19 Andrew F. Dixon, Esq.
20 Nevada State Bar No. 8422
21 BOWLER DIXON & TWITCHELL LLP
22 3137 East Warm Springs Road, Ste. 100
23 Las Vegas, Nevada 89120
24 Phone: (702) 436-4333
25 Fax: (702) 260-8983
26 Email: andrew@nevadalegalcounsel.com

27 *Attorneys for Plaintiffs, INTERNATIONAL
28 GAME TECHNOLOGY and IGT-UK GROUP
29 LIMITED*

30 By: /s/ Amy M. Samberg

31 Amy M. Samberg
32 Nevada Bar No. 10212
33 FORAN GLENNON PALANDECH
34 PONZI & RUDLOFF PC
35 One Renaissance Tower
36 Two North Central Avenue, 18th Floor
37 Phoenix, AZ 85004
38 Telephone: 602-777-6230
39 Facsimile: 312-863-5099
40 Email: asamberg@fgppr.com

41 Justin S. Hepworth
42 Nevada Bar No. 10080
43 Casey G. Perkins
44 Nevada Bar No. 12063
45 FORAN GLENNON PALANDECH
46 PONZI & RUDLOFF PC
47 2200 Paseo Verde Parkway, Suite 280
48 Henderson, NV 89052
49 Telephone: 702-827-1510
50 Facsimile: 312-863-5099
51 E-Mail: cperkins@fgppr.com

52 *Attorneys for Defendant ILLINOIS
53 NATIONAL INSURANCE CO.*

22 ORDER

23 IT IS SO ORDERED.

24 DATED August 3, 2018

25 NO FURTHER EXTENSIONS
26 WILL BE GRANTED.

27 
28 UNITED STATES MAGISTRATE JUDGE